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Chairman: Mrs. FLORES (Uruguay)
(Vice-Chairman)

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In the absence of Mr. Zarif (Islamic Republic of Iran), Mrs. Flores (Uruguay), Vice-Chairman, took the Chair.

The meeting was called to order at 3.05 p.m.

AGENDA ITEM 133: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued) (A/47/33, A/47/60-S/23329, A/47/67, A/47/277-S/24111, A/47/516)

1. Mr. WOOD (United Kingdom) said that, although the discussions of the Special Committee on the Charter during its 1992 session had not yielded concrete results, they had none the less been timely and important. A number of the items considered by the Special Committee had also been taken up in the Secretary-General's report, "An agenda for peace" (A/47/277-S/24111). It contained at least three important sets of proposals that fell naturally within the mandate of the Special Committee: the contribution of regional organizations to the maintenance of international peace and security, the implementation of Article 50 of the Charter and the role of the International Court of Justice.

2. Regarding the first item, the time had come to consider the main aspects of the relationship between regional organizations and the United Nations by drawing on the experience of the many individuals who worked in that field, both within and outside the United Nations. In that respect, while the draft declaration on the improvement of cooperation between the United Nations and regional organizations (A/47/33, para. 39) submitted by the Russian Federation was useful, it was necessary to consider whether it should be the main focus of the work of the Sixth Committee. Perhaps, a study comparable to the Handbook on the Peaceful Settlement of Disputes would be more effective than a declaration.

3. Although aware of the economic difficulties often caused to third countries by the imposition of preventive and enforcement measures (Art. 50 of the Charter) and anxious to contribute to the examination of that question, the United Kingdom delegation thought there would be real difficulty in drawing up general and universally applicable arrangements, since each case was by definition specific. Nevertheless, that problem, which was becoming increasingly important, should be studied, and it would perhaps be useful to consult international financial institutions which were well-placed to assess the effects of sanctions on third countries.

4. It was his delegation's view that it would not be advisable to authorize the Secretary-General to request advisory opinions from the International Court of Justice. In order to enhance the Court's role, a way must first be found to ensure that the compulsory jurisdiction of the Court was widely recognized. States should consider including compromissory clauses in the bilateral and multilateral treaties to which they were parties, especially those which were concluded under the auspices of the United Nations. Disputes

(Mr. Wood, United Kingdom)

should be submitted on an ad hoc basis to the Court, including, where appropriate, to a chamber of the Court. The political organs of the United Nations should bear in mind that they had the option of referring a dispute, or legal aspects of a dispute, to the Court. His Government strongly supported the special trust fund which had been created for that purpose and had already made a substantial contribution to it. It hoped that other Governments would do likewise.

5. The United Kingdom welcomed the document "United Nations rules for the conciliation of disputes between States", proposed by Guatemala, which had been examined with great care by the Special Committee (para. 132). He noted the Guatemalan Government's intention to submit a revised draft that would take into account the comments made at the 1992 session, and hoped that the revised draft would be ready in plenty of time for the 1993 session.

6. Mr. KAZI (Pakistan) noted that the dramatic changes which recently had shaken the world had given rise to a mixture of expectations and concerns. While there had been encouraging signs in a number of areas - the easing of international tension, the movement towards democratization, human rights, arms control and the right of peoples to self-determination - there was also cause for regret in the fact that the principles of the United Nations Charter continued to be flouted, that armed conflicts continued to rage and that peoples continued to be denied exercise of their right to self-determination. World peace could be established only if States abided by the principles of equity and justice enshrined in the Charter.

7. The Security Council Summit Meeting held in January 1992 was a welcome initiative, and Pakistan supported the Secretary-General's proposal to repeat the experience on a regular basis. The report, "An agenda for peace", prepared pursuant to the statement adopted at the conclusion of the summit was very timely and useful and would certainly be of benefit to the Special Committee in its deliberations.

8. The principle of peaceful settlement of disputes had always been the cornerstone of the policy of his Government, which viewed conciliation as one of the most effective means States had for settling their disputes. The Guatemalan proposal whereby the conciliation rules of the United Nations Commission on International Trade Law should be applied with flexibility to international public law was deserving of consideration, and his delegation hoped that the revised version of the draft United Nations rules for the conciliation of disputes between States would be available for the 1993 session of the Committee.

9. Pakistan recognized the compulsory jurisdiction of the International Court of Justice and believed that States should be encouraged to turn to it more often for adjudication of the legal aspects of their disputes.

(Mr. Kazi, Pakistan)

10. His delegation emphasized that the States affected by application of sanctions under Chapter VII of the Charter had not received assistance commensurate with the losses. A mechanism for redressing the situation should be established without delay. Such a mechanism would make it possible, not only to assist the affected States in overcoming their problems, but also to strengthen cooperation among States in the implementation of sanctions and to make some third States which were seriously affected by sanctions more inclined to implement them.

11. While favouring the idea of increasing the number of non-permanent members of the Security Council on the basis of a more equitable geographical distribution, his Government was firmly opposed to any increase in the number of permanent members of the Security Council, with or without the right of veto. Such a decision would clearly conflict with the principle of equality of States and with demands for democratization of the United Nations. It was important not to create new centres of power and privilege in the international community.

12. Regarding the draft declaration on improving cooperation between the United Nations and regional organizations (para. 39), which had been submitted by the Russian Federation, he observed that the Charter conferred primary responsibility for maintaining international peace and security on the Security Council. While there was nothing in the Charter to prevent regional arrangements or agencies from playing a role in peace-keeping at the regional level, care should be taken to ensure that the peace-keeping activities of regional bodies did not encroach on those of the United Nations.

13. His delegation welcomed the initiative to reinforce the role of the United Nations but remained convinced that the effectiveness of the United Nations depended primarily on the full application of the Charter in the deliberations and decisions of all its organs. While there had been occasions when the United Nations had been unable to fulfil its primary responsibility of preserving and maintaining peace, in no case were such setbacks attributable to any shortcomings in the Charter; the fault lay, rather, in the failure of some States to implement Charter provisions uniformly and to abide by United Nations decisions.

14. Mr. AYOOB (Afghanistan) said that the working paper submitted by the Russian Federation on the improvement of cooperation between the United Nations and regional organizations (para. 39) deserved special attention. At a time of emerging ethnic and religious conflicts world wide, regional organizations could play a significant role in finding solutions to regional problems. It was particularly important to cooperate with them in areas like the economy and the protection of human rights and minority rights, all essential elements in ensuring regional and global security.

15. The draft United Nations rules for the conciliation of disputes between States submitted by Guatemala (para. 132) was unquestionably a timely

(Mr. Ayoob, Afghanistan)

initiative and a useful basis for discussion. Conciliation was a generally accepted means of dispute settlement, but it was imperative that in discharging its conciliatory mission the United Nations should take into consideration the cultural and historical backdrop to the disputes. It would therefore be advisable to appoint conciliators from the region where a dispute occurred, who would be more aware of the historical, cultural and psychological issues.

16. Afghanistan believed that by authorizing the Secretary-General to request advisory opinions from the International Court of Justice in connection with his good-offices missions, the Organization would add to its arsenal an important means of peacefully settling regional and international conflicts. It had to be decided, however, if such authorization would be on an ad hoc or a permanent basis.

17. In spite of the positive changes in international relations, the United Nations had not yet realized its main objective, the establishment of a new and just international economic order. While the era of confrontation between East and West had come to a close, the contrast between the wealth of the North and the poverty of the South continued to increase. The United Nations must therefore seize the opportunity offered by détente and redouble its efforts to ensure the social and economic progress of the developing countries, especially the least developed. The maintenance of international peace and security depended not only on the absence of war but also on the social and economic development of all countries.

18. The United Nations Charter was an instrument that had stood the test of time, but it was a fact that some of its provisions were based on the situation prevailing in 1945. Since then the world had changed dramatically in political, economic and strategic terms and the number of Member States had more than tripled. Therefore his delegation favoured a revision of the Charter pursuant to Article 109, and hoped that when its fiftieth anniversary was celebrated, the Organization would be ready to meet the challenges of the new world situation.

19. Mr. JARAMILLO (Colombia) said that the strengthening of the role of the Organization should be conceived only in the context of respect for the particular mandate and responsibilities of the organizations of the United Nations system, which meant that the General Assembly would duly carry out its Charter responsibilities for the maintenance of international peace and security in close coordination with the Security Council, whose own mandate must be strictly observed and must be subject to no unprescribed limitation. To strike the needed balance among the mandates of the various United Nations bodies, the role of the International Court of Justice must be revitalized and the Secretary-General given authority to seek its advisory opinion with the consent of the States that were parties to a given dispute.

(Mr. Jaramillo, Colombia)

20. As to the revision of the Charter, both the composition and the decision-making process of the Security Council had to be made more democratic, in order to take account of the new political, economic and strategic realities. It was indeed difficult to see how the respect for democratic principles demanded of States in their internal affairs could still fail to have a counterpart multilaterally.

21. His delegation cautioned against the tendency to expand the assigned tasks and the powers of the Security Council beyond what the Charter stipulated, because the Council could not maintain its credibility unless it properly represented the international community by observing its own mandate as sanctioned by law.

22. Regarding the Russian draft of a declaration on the improvement of cooperation between the United Nations and regional organizations (para. 39), the importance of the cooperation in question would be hard to overestimate, assuming that it was consistent with Chapter VIII of the Charter, the imposition of coercive measures by regional organizations was authorized by the Security Council, the cooperation extended also to the economic and social spheres, and the principles of sovereignty and non-interference in the internal affairs of State were respected, which would mean removing any reference in the draft to internal conflicts. Lastly, regional organizations must, in exercising their preventive functions, bear in mind the peaceful and diplomatic means set out in Chapter VI of the Charter.

23. Among the new issues that the Special Committee could consider, the Secretary-General's "An agenda for peace" deserved in-depth discussion (particularly paras. 26, 28 and 29-33, and the passages on Arts. 40 and 65 of the Charter). Discussions should also begin on ways of promoting acceptance of the binding jurisdiction of the International Court of Justice.

24. As a sponsor of the working paper on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII (para. 109 of the report), Colombia was convinced of the need to supplement Article 50 of the Charter by agreements making it mandatory to come specifically to the assistance of States thus affected. That would encourage all States to cooperate in observing sanctions.

25. Lastly, his delegation welcomed the working paper on the strengthening of the role of the Organization and the enhancement of its efficiency (para. 123), particularly the suggestions put forward regarding the composition of the Security Council and the relationship between the Council and the General Assembly.

26. Mr. NASIER (Indonesia) said that he was convinced of the importance of the role of regional organizations as underscored by the Secretary-General in "An agenda for peace" since they were in a good position to propose solutions

(Mr. Nasier, Indonesia)

to local conflicts, reduce tensions and strengthen regional security, especially because their work was often complemented by instruments that promoted economic, social and cultural cooperation and contributed to the building of confidence and, ultimately, international security. Yet regional efforts could only be supplementary and had not diminished the need for an effective global framework for collective security in the context of the Charter. A thorough examination was needed of possible mechanisms and procedures to stimulate interaction between the United Nations and the regional organizations, an approach that would strengthen multilateralism and contribute to efforts to make international relations more democratic.

27. His delegation welcomed the working paper on the improvement of cooperation between the United Nations and regional organizations (para. 39), a timely initiative providing a good basis for work, as well as the other working paper submitted by the Russian Federation on new issues for consideration in the Special Committee (para. 95).

28. The third working paper considered by the Special Committee (para. 109), regarding assistance to third States affected by the application of sanctions under Chapter VII of the Charter, should be considered further at the 1993 session, with the participation of all interested delegations, so that specific conclusions could be agreed upon. Also, the Special Committee should deliberate further on Guatemala's proposed United Nations rules for the conciliation of disputes between States (para. 132).

29. In view of the great increase in the number of United Nations Members since 1945, it was time to address the question of the composition of the Security Council. His delegation believed that it should be expanded to accommodate new permanent members, not necessarily with veto powers.

30. Mrs. SINJELA (Zambia) said that she shared the views of those who advocated enlarging the Security Council in order to reflect the increased number of Member States and enable a wide range of States to participate in the maintenance of international peace and security. It was imperative for the Security Council to act in close coordination with the General Assembly and consult with the States that were not members of the Council in order to take due account of their interests in its deliberations and decisions. Zambia also supported strengthening the role of the General Assembly in maintaining peace because that was the only body where all the States Members of the Organization were equally represented. Likewise, her delegation supported the proposal that the Secretary-General be authorized to request advisory opinions from the International Court of Justice in order to discharge his duties effectively. Zambia also welcomed the proposal to establish a working group to consider the various proposals put forward by the Secretary-General in his "An agenda for peace".

31. She then turned to the report of the Special Committee (A/47/33) and the various texts dealt with in it. Zambia welcomed the two working papers

(Mrs. Sinjela, Zambia)

submitted by the Russian Federation entitled "New issues for consideration in the Special Committee" and the "Draft declaration on the improvement of cooperation between the United Nations and regional organizations". Regional organizations had a very important role to play in the maintenance of international peace and security in general and especially in dealing with specific regional conflicts in their early stages before they were brought before the Security Council. Nevertheless, the activities of such organizations and those of the United Nations should be complementary.

32. The other working papers submitted by the Libyan Arab Jamahiriya in 1991, on enhancing the effectiveness of the Security Council (see A/46/33, para. 14), and by Cuba at the current session, on strengthening of the role of the United Nations in the maintenance of international peace and security (A/47/33, para. 123), should be considered further in order to make use of all available means for maintaining international peace and security. She also supported the paper on third States affected by the application of sanctions under Chapter VII of the Charter (para. 109) and the Guatemalan proposal on "United Nations rules for the conciliation of disputes between States" (para. 132).

33. Her delegation was not in favour of enlarging the membership of the Special Committee, particularly since all Member States were free to participate in its work as observers and on an equal basis with its members.

34. Mr. CEDE (Austria) said that conflict prevention constituted one of the great challenges facing the United Nations and he fully shared the views expressed in that regard by the Secretary-General in his "An Agenda for peace". Austria supported in particular the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice and felt that, in certain circumstances, that power could be used to complement existing mechanisms for the peaceful settlement of conflicts between States.

35. Referring to the report of the Special Committee (A/47/33), Austria noted with interest the two working papers submitted by the Russian Federation. The first paper, on cooperation between the United Nations and regional organizations, came at an appropriate time when, for example, the Conference on Security and Cooperation in Europe (CSCE) had recently made it clear that it should be viewed as a regional mechanism for matters of collective security in conformity with the Charter. Nevertheless, it seemed premature to decide on the nature of the document to be elaborated on that question. Austria favoured a very flexible approach to regional arrangements under Chapter VIII of the Charter, along the lines of the relevant passages in "An agenda for peace". There was also a need for improved coordination between the United Nations system and existing organizations that might perform functions relating to the maintenance of international peace and security at the regional level by drawing on the experience acquired by the United Nations in that field. With regard to European regional arrangements, Austria welcomed

(Mr. Cede, Austria)

the idea of a liaison mechanism to be established between CSCE and the United Nations Secretariat.

36. Turning to the working paper on third States affected by the application of sanctions under Chapter VII of the Charter (para. 109), he stressed the need for a more thorough examination of the special economic problems facing such countries. His delegation therefore supported the suggestion by the delegation of Czechoslovakia to provide the Special Committee with information on the experience gained in that area by the "sanctions committees" established under Security Council resolutions 661 (1990), 724 (1991) and 748 (1992).

37. The United Nations conciliation rules proposed by Guatemala (para. 132) were too detailed and prescriptive in nature to gain general acceptance. A revised version should give due consideration to the need for a more flexible mechanism.

38. Mr. JACOVIDES (Cyprus) said that the debate had acquired added significance in view of the Secretary-General's "An agenda for peace" (A/47/277-S/24111) and its discussion as the first substantive item at the current session of the General Assembly. His delegation would express its views on the report under consideration from that perspective.

39. The general debate in the Special Committee had stressed the importance of the fundamental changes in the international political climate. Nevertheless, the Charter, which was approaching its fiftieth anniversary, had stood the test of time and did not require any extensive change. Admittedly, more could be done to strengthen the role of the General Assembly and the Secretary-General, fully guarantee collective security as envisaged in Chapter VII of the Charter, broaden the role of the International Court of Justice in the settlement of international disputes - since, as the Court's President, Sir Robert Jennings, had stated, political disputes had a "legal component" - and implement in all cases and not selectively the decisions of the Security Council, which were binding under Article 25 of the Charter. The Secretary-General should be authorized to request advisory opinions from the International Court of Justice, in accordance with the statement by the Legal Counsel in paragraph 31 of the report under consideration.

40. The working paper on cooperation between the United Nations and regional organizations submitted by the Russian Federation (para. 39) had generated a great deal of interest, particularly in light of the situations in the former Yugoslavia and Somalia. The need for such cooperation had also been stressed at the Summit Meeting of the Security Council and by the Secretary-General in his "An agenda for peace". An important aspect of the working paper was that it included questions relating to human rights and the rights of minorities. Although the paper was solidly based on the relevant provisions of the Charter, particularly Chapter VIII, it was hoped that it would be more practically oriented and lead to specific recommendations. The recent evolution of CSCE was opening up interesting possibilities in that regard.

(Mr. Jacovides, Cyprus)

41. The working paper on assistance to third States affected by the application of sanctions under Chapter VII of the Charter (para. 109) submitted by a number of States, including Cyprus, was timely in view of recent developments. The matter was dealt with in Article 52 of the Charter, and in his "An agenda for peace" the Secretary-General recommended (para. 41) "that the Security Council devise a set of measures involving the financial institutions and other components of the United Nations system that could be put in place to insulate [third] States from" difficulties arising from the implementation of sanctions. Regardless of whether practical solutions could be found on a case-by-case basis, a full proposal with specific suggestions should be prepared.

42. The Russian Federation had also submitted at the forty-fifth session a working paper on new issues for consideration in the Special Committee (see A/45/33, para. 14). Those issues should also take into account the proposals made by the Secretary-General in the "An agenda for peace" which came under the mandate of the Special Committee. Consideration should also be given to the proposal that the Secretary-General should be authorized to request advisory opinions from the International Court of Justice, a proposal which Cyprus supported.

43. The working paper submitted by Cuba on strengthening of the role of the United Nations in the maintenance of international peace and security (para. 123) contained several interesting ideas. Although the proposal by Guatemala on the conciliation of disputes between States (para. 132) was so detailed that it lacked the flexibility enabling that means of settlement to be so successful, it should be given further consideration. The contributions made by the Special Committee to the United Nations Decade of International Law (a draft handbook on the peaceful settlement of disputes between States and a draft declaration on fact-finding) were indeed commendable. For that reason, Cyprus looked forward to further contributions by the Special Committee within the framework of the Decade.

44. Lastly, he pointed out that Cyprus had endeavoured consistently to abide by the rules of international law and had participated constructively in major United Nations legislative conferences. His country had accepted without reservation the binding jurisdiction of the International Court of Justice, had been among the first States to support the Secretary-General's Trust Fund for the Court and had advocated wider use of its advisory jurisdiction. His delegation was convinced that if the relevant principles of the Charter and other rules of international law had been applied, the Cyprus problem would not have arisen.

45. Mr. MONTES DE OCA (Mexico) turned first to the problem of the composition of the Special Committee and said that observers were at present providing a large part of the contributions to its work. For example, Guatemala, Uruguay and Cuba, which had only observer status, had submitted some of the working papers which had received the most attention. As paragraph 36 of the report

(Mr. Montes de Oca, Mexico)

of the Special Committee indicated, its present members were opposed to expanding the membership. Paradoxically, it was the most recently appointed members who did not want the membership to become universal.

46. It was also surprising that, whereas the Security Council had given a warm welcome to the Russian Federation at its Summit Meeting in January 1992, the Special Committee had said nothing about the continued presence of one of its important members. Parliamentary silences were often eloquent. In proceeding in that way the Special Committee may have had in mind the possibility of submitting to the General Assembly at a later date the question of the succession of another member of the Organization; perhaps it was a deliberately selective use of procedure. It would be useful if the Special Committee devoted part of its future work to determining the criteria for such cases, interpreting the Charter on that point with its characteristic creative flexibility.

47. With regard more specifically to the matters dealt with in the report of the Special Committee, it was the working paper on assistance to third States affected by the application of sanctions under Chapter VII of the Charter (para. 109) which had attracted most attention. And Cuba's working paper on the strengthening of the role of the United Nations in the maintenance of international peace and security also contained ideas warranting serious study.

48. In contrast, his delegation had the greatest reservations about the working paper on the improvement of cooperation between the United Nations and regional organizations (para. 39) submitted by the Russian Federation. It seemed that the best that could be done for the moment was to evaluate the existing machinery for cooperation between regional organizations and the United Nations and then, if the results showed that there was some homogeneity in a given field, to carry out a study. Experience showed that there were enormous differences of type and function between the organizations in question and that it would be difficult to deal with the topic in the way proposed. His delegation therefore endorsed the opinions set out in paragraph 78 of the report. Since the working paper did not define regional organizations and the question had been appropriately dealt with in the Secretary-General's report "An agenda for peace", the Special Committee should proceed without haste and with the greatest circumspection. Even if, as stated in paragraph 46, the majority of delegations in the Special Committee had welcomed the Russian paper as a timely initiative, the minority remained far from convinced.

49. The agenda of the General Assembly contained six items concerning cooperation between the United Nations and six regional organizations. Each case could be studied separately, depending on the cooperation which it was possible to establish. What was needed was to encourage the work of the General Assembly on those items and increase the periodicity of their consideration. For the moment it would not be desirable for the Special Committee to duplicate the Assembly's work, but there was nothing to prevent consideration of all the matters arising in connection with the agenda for

(Mr. Montes de Oca, Mexico)

peace. It was with that in mind that the countries of the Rio Group and other States had wanted the General Assembly to establish an open-ended working group to study the agenda for peace systematically and in detail.

50. As for authorizing the Secretary-General to request, in certain circumstances, advisory opinions from the International Court of Justice, it should be noted that the cases in which he might proceed in that way had been slowly examined and clarified. For example, paragraph 31 of the report repeated the explanations given by the Legal Counsel, which would no doubt be supplemented by the replies to be given to the three States members of the Security Council and to the countries of Latin America alluded to in paragraph 32. His delegation was in favour of any move which might help in obtaining the authorization in question from the General Assembly.

51. Mr. BABA (Malaysia) said that his delegation had been struck by the urgent need to amend the Charter to bring it into line with the geopolitical realities of the day, which were dramatically different from those of the immediate post-war period. It was pleased that the problem had attracted comment from many Member States both during the general debate and during the discussion of the Secretary-General's agenda for peace.

52. Malaysia was in fact quite convinced that it was time to examine various provisions of the Charter which were out of step with present-day realities and needs, either because they were discriminatory or because they concerned the composition, functioning and other aspects of the Security Council's work. The objective of the exercise should be to make the Organization effective and more responsive to the needs of the whole membership rather than to the needs of a few. Some countries said that they feared that the exercise might lead to confrontation and useless polemics, but that was no more than an attempt to preserve the advantages enjoyed by a small number of States. The march towards democracy in the world was unstoppable, and the Security Council must likewise become more democratic.

53. An increasing number of delegations had made proposals in that respect, with a view to achieving something concrete before 1995, the fiftieth anniversary of the Organization. While the Sixth Committee and the Special Committee continued their examination of the whole Charter, work could begin in parallel to give effect to the political will of the General Assembly on the question of the composition and functions of the Security Council and its relations with the General Assembly.

54. The Special Committee had discussed at length the working paper on cooperation between the United Nations and regional organizations circulated by the Russian Federation (para. 39). The text presented no difficulty if it would lead to better utilization of the resources, knowledge and experience of such organizations, which knew the local situation best and enjoyed greater confidence with their member States. Some of the organizations had in fact already set up detailed mechanisms to resolve conflicts between their

(Mr. Baba, Malaysia)

members. For example, in South-East Asia the members of the Association of South-East Asian Nations had concluded a treaty of amity and cooperation to which Papua New Guinea, Viet Nam and Laos had also acceded. However, it would be premature for the Sixth Committee to address the Russian draft declaration, for it had neither the time nor the expertise to consider it in depth. Procedurally, therefore, it would be better for the Special Committee to be entrusted with the detailed examination of the proposal at its next session.

55. Malaysia shared the concern of the countries seriously affected, economically, by the sanctions imposed by the Security Council. It also thought that for the sanctions to be effective all States must comply with them, which meant sacrifices by all. The argument that Article 25 of the Charter obliged all States to support sanctions unconditionally was inconsistent with the spirit of the Charter, which provided in any case that the affected States might approach the Security Council.

56. It was not only morally justified but also legally necessary, if not legitimate, that the problems caused by sanctions should be addressed in their proper perspective. Article 50 of the Charter, which provided that any third State confronted with economic problems arising from the carrying out of sanctions had the right to consult the Security Council, was meaningless if the United Nations did not have the resources at its disposal when the States concerned appealed to it. It might therefore be suggested that the Secretary-General should examine all means of overcoming the problem, including resort to the financial institutions of the United Nations system. His delegation wanted the United Nations to take full responsibility for its decisions, which included redress of the difficulties experienced by Member States which were not the target of those decisions.

57. Mr. ROSENSTOCK (United States of America) said that much of the Secretary-General's agenda for peace could be traced to the work of the Special Committee, especially with regard to the relations between the United Nations and regional agreements and organizations. That was an extremely topical question which must remain a priority for the Special Committee, which had already made considerable progress on it. It was essential to remain within the scope of Chapter VIII of the Charter, setting the goal of maximizing the complementary nature of the activities of the United Nations and regional organizations.

58. The agenda for peace also called for consideration of aspects of the role of the International Court of Justice. It contained a very informative summary of the differing views on the question, which had already been considered by the Special Committee. The Special Committee was usefully engaged in examining the general question of the peaceful settlement of disputes, which must also be regarded as a priority issue.

59. As for the debate concerning Article 50 of the Charter, such issues could only be dealt with on a case-by-case basis and in the context of the

(Mr. Rosenstock, United States)

responsibility of the Security Council under Chapter VII of the Charter. The work of the Security Council Committee established pursuant to resolution 661 (1990), concerning the situation between Iraq and Kuwait was worthy of particular note in that context.

60. The United States was of the view that the completion of work aleady begun on topics such as the relations between the United Nations and regional organizations or conciliation should take priority over new topics. However, the working paper submitted by the Russian Federation on cooperation between the United Nations and regional organizations (para. 39) was concerned primarily with making better use of existing mechanisms of the Charter system and consequently provided a useful starting point for the consideration of new issues.

61. Mr. ORDJONIKIDZE (Russian Federation) said that during the difficult transition towards a new world order, the considerable experience of the United Nations with regard to peace-keeping and the new proposals to strengthen its role might prove extremely useful for States in different regions. For example, the methods used to deal with numerous armed conflicts and hotbeds of tension in the Commonwealth of Independent States had been developed and used for those purposes by the United Nations and the Conference on Security and Cooperation in Europe (CSCE): mediation, the involvement of groups of military and civilian observers and the use, to disengage belligerent parties, of troops under the joint command of CIS as well as Russian, bilateral or trilateral troops. Moreover, if the parties agreed, such units had the right to use force to suppress activities aimed at undermining a settlement, as had already happened. Such peace-keeping operations and the assistance of the world community had made it possible to settle conflicts in Moldova and South Ossetia. Russian diplomacy was actively seeking, within the framework of CIS, to settle conflicts in Abkhazia and Tajikistan.

62. Although the United Nations had a role to play in settling armed conflicts, that did not mean that it should be directly involved in every case. The purpose of the draft declaration on the improvement of cooperation between the United Nations and regional organizations submitted by his country and considered by the Special Committee (para. 39) was precisely to develop relations between the United Nations and regional organizations, primarily with respect to maintaining international peace and security. The proposal was motivated by the need to adapt Chapter VIII of the Charter to contemporary realities, a step that would favour the strengthening of the collective security system, which could not function without reliable regional structures. As processes to develop regional security, cooperation and integration steadily advanced, the task of the United Nations would seem to be to join efforts at the regional level with existing global mechanisms in that sphere.

(Mr. Ordjonikidze, Russian Federation)

63. The Secretary-General, in "An agenda for peace", had rightly underscored the usefulness of regional agreements and organizations and the value of cooperation between them and the United Nations. His delegation agreed with the Secretary-General that regional organizations should be more actively involved in preventive diplomacy as well as in peacemaking, peace-keeping and the consolidation of peace. His delegation also could accept the various methods proposed by the Secretary-General to improve the activities of regional organizations. Those organizations which had not yet done so should be encouraged to apply for observer status to the United Nations; that would strengthen interaction between such organizations and the United Nations, enhance conflict early-warning potential and make it possible to establish communication links between those organizations and the United Nations. His delegation also supported the intention of the Secretary-General to request all regional organizations to consider what further confidence-building measures might be used in their respective regions and to inform the United Nations of the results. Support should also be given to the proposal calling for consultations on confidence-building measures with States which had been parties to a conflict, as well as with regional organizations.

64. The idea of strengthening cooperation between the United Nations and regional organizations enjoyed widespread support among States of different regions. His delegation believed that such support reflected a growing trend towards interaction between the United Nations and regional organizations. Specifically, such interaction could take the following forms: information exchanges, liaison missions, regular meetings between the Secretary-General and the executive heads of regional organizations to discuss current international issues, along the lines of the contacts between the United Nations and the Organization of African Unity, as well as expert-level consultations.

65. The favourable response to the general orientation of his delegation's draft was very encouraging. It had been viewed as a timely initiative providing a solid foundation for the Committee's deliberations on the subject. It was now important for the Special Committee to accelerate its work. His delegation was confident that the General Assembly would instruct the Special Committee to consider the document on a priority basis. It would be useful for the General Assembly, in the resolution to be adopted on the Special Committee, to request the views of the executive heads of regional organizations on the form of and prospects for cooperation between the United Nations and those organizations. The General Assembly also should invite representatives of regional organizations to participate in the deliberations of the Special Committee in 1993.

66. When analysing the numerous interesting proposals which had been advanced to make the United Nations more dynamic and effective, a balance should be sought between required reforms and the continued use of structures which had proved their effectiveness. In that connection, the proposals which sought

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the more comprehensive development of the potential of the Charter through recourse to its inadequately used provisions were particularly relevant. Because international relations no longer were governed by ideologies, it was now possible fully to engage the vast potential of the Charter. Attempts to divert attention from the need to re-examine the provisions of the Charter could only hamper the peace-keeping capabilities of the United Nations, which had recently developed so dynamically.

67. The working paper submitted by Cuba on the strengthening of the role of the United Nations (para. 123) gave the impression that the streamlining of the activities of the Organization should be undertaken by adapting the Charter to new realities and expanding and making its scope more precise, rather than by disrupting the structures of the Organization and rewriting the Charter. The document entitled "New Issues for Consideration in the Special Committee" submitted earlier by his country (see A/45/33, para. 14) in fact contained constructive proposals in that regard which had received a positive response from most delegations. His delegation hoped that the Special Committee would actively undertake the examination of the issues raised in that document, which, in substance, proposed a long-term programme of action to the Committee.

68. His delegation endorsed the view that in recent years Chapter VII of the Charter had acquired new relevance in the context of the implementation of Article 50. It now was time to give practical meaning to that Article. It also was necessary to develop consultation procedures which would be generally acceptable to States facing particular economic problems as a result of Security Council decisions, as well as optimal methods for resolving such issues in the light of recent experience, in particular, the work of the United Nations Compensation Commission established following the conflict between Iraq and Kuwait. His delegation supported the view of the Secretary-General to the effect that States confronted with special economic problems should be able to consult with the Security Council in accordance with Article 50. In that connection, it might be useful to recommend that the Council devise a set of measures involving the financial institutions and other United Nations bodies that could insulate States from such difficulties. At the request of the States concerned, the Security Council should recommend to the International Monetary Fund and the International Bank for Reconstruction and Development that they should take such losses into account when allocating financial resources. His delegation believed that the question should be accorded priority.

69. With regard to the "United Nations rules for the conciliation of disputes between States" proposed by Guatemala (para. 132), it was desirable when developing a conciliation procedure to take into account the new tendency of States to make the use of such a procedure obligatory, even if only one party so requested, and to make the results of the conciliation procedure binding.

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70. He saw merit in the idea of enhancing the ability of the United Nations to settle disputes peacefully by strengthening the resolve of the parties to achieve such a settlement, by calling on a third country and enabling it to exert leverage on the parties to the conflict. His delegation advocated a more active role by the Security Council in conflict resolution and in the application of Charter provisions under which it could recommend appropriate procedures or methods for dispute settlement or, if the parties so requested, make recommendations to the parties for a pacific settlement of the dispute. It agreed with the proposal by the Secretary-General calling for more extensive use of the General Assembly to contain situations and consider and recommend appropriate action for the peaceful settlement of disputes. It also endorsed the intention of the Secretary-General to engage in conciliation, provide his good offices and conduct negotiations using the services of eminent political personalities, in close and continuous consultation with the Security Council. Bearing in mind the recent trend towards engaging third countries in the settlement of disputes and conflicts, consideration might be given to elaborating, within the framework of the Special Committee, a draft international convention on the peaceful settlement of disputes and conflicts with the assistance of a third country.

The meeting rose at 5.25 p.m.